

**Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Telephone Number Requirements for IP-Enabled Services Providers	:	WC Docket No. 07-243
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IP-Enabled Services	:	WC Docket No. 04-96
	:	
Telephone Number Portability	:	CC Docket No. 95-116
	:	
CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues	:	
	:	
	:	
Final Regulatory Flexibility Analysis	:	
	:	
Numbering Resource Optimization	:	CC Docket No. 99-200

**COMMENTS OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

BACKGROUND AND INTRODUCTION

On November 8, 2007, the Federal Communications Commission (Commission) released a Report and Order, Declaratory Ruling, Order on Remand and Notice of Proposed Rulemaking in the above mentioned dockets. The Notice of Proposed Rulemaking appeared in the Federal Register on February 21, 2008.¹ In the Notice, regarding Voice over Internet Protocol (VoIP), the Commission sought comment on “...whether the Commission

¹ All references to the Notice of Proposed Rulemaking (Notice) will refer to the Notice as it appeared in the Federal Register, 73 FR 9507 - 9515. References to the Report and Order, Declaratory Ruling, and Order on Remand (Order) will refer to the Order as it appeared in the November 8, 2007 Release.

should extend other numbering-related rules...to interconnected VoIP providers.” The distinctions between the various methods of providing telecommunications service are becoming less and less relevant, as end-users care little, if at all, about the technology used to provide a service, and, increasingly, make their competitive choices based on the price, features and flexibility that the various providers offer. In these proceedings the FCC, quite appropriately, takes note of this trend, and proposes rules that will serve to further competition in telecommunications markets, by eliminating needless distinctions in how the competitors operate. The Public Utilities Commission of Ohio (Ohio Commission) hereby submits its comments in these matters.

DISCUSSION

A. Interconnected VoIP Provider Numbering Obligations: N11 Access

In the Notice, the FCC observes that it has already required interconnected VoIP providers to supply 911 emergency calling capabilities to their customers whose service connects with the public switched telephone network (PSTN) and to offer 711 abbreviated dialing for access to telephone relay services. The FCC seeks comment on whether it should require interconnected VoIP providers to comply with N11 code assignments. Notice at ¶ 2.

The Ohio Commission believes that interconnected VoIP providers, as competitors in an increasingly multimodal market, should be subject to identical basic obligations for N11 code assignments as traditional providers, since their services are marketed as substitutes for traditional local exchange service. This need for consistency in the market has already been recognized with regard to wireless providers, even though wireless providers generally do not market themselves as a substitute for traditional local exchange service. The FCC has shown its agreement with the Ohio Commission in part with its requirements for interconnected VoIP providers to provide 911 emergency calling, access to telephone relay services through 711, and now, in this current docket, local number portability. The implementation of N11 services has consistently been a matter of furthering the public interest and safety. The arguments for implementing N11 services are independent of the technology used to provide service. The Ohio Commission believes that a VoIP provider's customers should be afforded the same ease, convenience and safety to reach other specified entities through N11 dialing.² The access through dialing 8-1-1 to reach one-call services as a result of the implementation of the Pipeline Safety Act³ is one such example. In the FCC's decision in *Use of N11 Codes and Other Abbreviated Dialing Arrangements*,

² To be certain, the provision of geographically related N11 services is far simpler for those VoIP providers who control their own IP network, as opposed to those who use the Internet. However, if a technical solution is available for 911, certainly it is available for other N11 services.

³ *Pipeline Safety Improvement Act of 2002*, Pub. L. NO. 107-355, § 17, 116Stat.2985, 3008 (2002).

Sixth Report and Order, CC Docket 92-105, released March 14, 2005, 8-1-1 was to be deployed by carriers throughout the United States for use by all telecommunications carriers, including wireline, wireless and payphone service providers that provide access to state one-call centers. By dialing 8-1-1, a customer is able to reach a communication system that provides a means for the general public to notify the appropriate entity of their intent to engage in excavation activities. This notification allows utility companies to mark underground facilities prior to excavation to prevent damage to these facilities. In its decisions to designate certain N11 abbreviated dialing patterns, the FCC has already determined that access to other N11 dialing patterns benefits the public interest.⁴ The public interest is best served by the universal availability of N11 codes. Interconnected VoIP Providers should be treated no differently than other telecommunications carriers in this regard and should be required to offer these expedited dialing patterns. Their customers in all likelihood expect these offerings, as they had them available when a traditional local exchange service provider furnished their service and may well view VoIP as a direct replacement.

⁴ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105; *In the Matter of the Request by the Alliance of Information Referral Systems, United Way of America, United Way 2-1-1 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc. and Texas I&R Network for Assignment of 2-1-1 Dialing code*, NSD-L-98-80; and FCC Docket 00-256, *In the Matter of the Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide*, NSD-L-24.

B. Interconnected VoIP Provider Numbering Obligations: Numbering Rules

Also, in its Notice of Proposed Rulemaking, the FCC seeks comment on whether it should act to extend other numbering-related obligations to interconnected VoIP providers. Notice at ¶ 1. The Ohio Commission strongly agrees with the FCC's directives that ensuring compliance with the FCC's numbering rules remains the responsibility of the carrier that obtains the numbering resource from the numbering administrator as well as the responsibility of the interconnected VoIP provider.⁵ The Ohio Commission believes that the FCC should emphasize both to the interconnected VoIP providers and especially to their numbering partners the obligation to and the importance of reporting accurate utilization of telephone numbers to the North American Numbering Plan Administrator (NANPA). When providing the required utilization information for the Numbering Resource Utilization/Forecast Report, the interconnected VoIP providers and their numbering partners should work closely together to report the actual utilization of numbers by the end users of the interconnected VoIP providers. The numbering partners should not be reporting a 100 percent utilization of a block of numbers to NANPA simply because these numbers have been obtained for an interconnected VoIP provider to assign to its end users. The FCC should also be emphasizing to the interconnected VoIP providers the

⁵ *IP-Enabled Services, Telephone Number Portability, Numbering Resource Optimization*, WC Docket No. 04-36, CC Docket Nos. 95-116, 99-200; FCC 07-188, ¶ 5.

importance of assigning telephone numbers sequentially. Such sequential number assignment and accurate tracking of number utilization allow the numbering partners to more easily donate blocks of numbers to numbering pools, as required in the state's respective NPAs, thus delaying number exhaust.

C. Efficiency and Accountability in Obtaining and Managing Numbering Resources

As much as it appears to be a reasonable conclusion that interconnected VoIP providers should be required to abide by the same numbering obligations as other competitors in the telecommunications market, interconnected VoIP providers must generally do so through an intermediary party, a requirement that adds inefficiency, reduces accountability and needlessly slows processing. To the extent possible, the Commission should seek to establish a “level playing field” for all competitors in the telecommunications market, regardless of the technologies used to provide service.

A significant part of the responsibility for monitoring and maintaining accountability for efficient and appropriate management of numbering resources has been delegated to the various States. At this time, that authority can only be extended to an interconnected VoIP provider's “numbering partners”. This creates an imbalance in the market with regard

to the level of accountability that is, or can be, required of interconnected VoIP providers. This imbalance needs to be addressed.

To this end, the Ohio Commission believes that it is imperative that the FCC authorize a state Commission registration process of interconnected VoIP providers for the purpose of numbering and number administration, similar to that which the Ohio Commission currently utilizes relative to commercial mobile radio service providers. If structured properly, such a process will enhance numbering efficiency and reduce processing delays that currently result from interconnected VoIP providers having to obtain numbering resources from wholesale partners, and subsequently rely on those partners in order to manage those resources. As a result of the Ohio Commission's proposal, interconnected VoIP providers would have the ability to obtain numbering resources directly from the numbering administrator and, therefore, would be treated in a nondiscriminatory manner relative to other similarly situated providers.

CONCLUSION

Increasingly, the market for telecommunications services is becoming independent of the technologies used to provide those services, particularly in the minds of consumers, for whom price and feature availability is of paramount importance, and the technology used to provide the features is irrelevant. The competitors in the market recognize this, and position

themselves in the market, to the extent possible, as direct substitutes.

The FCC, in the Notice of Proposed Rulemaking in this docket, is considering two important steps towards creating an appropriate, level, playing field throughout the market and across technologies. The first step helps to ensure that end-users' reasonable expectations of substitutability are met. The second step helps ensure that a limited resource is not abused by any party participating in the market. These are good and important steps, and the Ohio Commission fully supports the proposed rules.

A third step is possible in the IP-Enabled Services docket, and the Ohio Commission believes that it is not unreasonable for the FCC to move forward in that docket, whether as part of a final decision or as an interim decision, to further level the playing field by permitting the States to register interconnected VoIP providers for the purpose of numbering and number administration. Doing so would give all competitors in the market the same direct access to and management of numbering resources, and make all subject to the same structures, rules, processes and accountability with regard to their use of those resources.

Respectfully submitted,

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